

NORTH DAKOTA VOCATIONAL REHABILITATION

TITLE I STATE PLAN & TITLE VI-B SUPPLEMENT

TABLE OF CONTENTS

SUMMARY OF INPUT PROVIDED BY STATE REHABILITATION COUNCIL...	4.2(c)
COOPERATION & COORDINATION WITH OTHER AGENCIES & ENTITIES .	4.9(c)
Cooperation with Agencies That Are Not in the Statewide Workforce Investment System and With Other Entities.....	4.9(c)(1)
Coordination with Education Officials	4.9(c)(2)
Cooperative Agreements with Private Non-profit Rehabilitation Service Providers	4.9(c)(3)
Evidence of Collaborating Regarding Supported Employment Services and Extended Services	4.9(c)(4)
COMPREHENSIVE SYSTEM OF PERSONNEL DEVELOPMENT	4.11(b)
ASSESSMENTS; ESTIMATES; GOALS AND PRIORITIES; STRATEGIES; & PROGRESS REPORTS.....	4.12
Results of Comprehensive Statewide Assessment of Rehabilitation Needs of Individuals with Disabilities and Need to Establish, Develop, or Improve Community Rehabilitation Programs	4.12(a)
Annual Estimates of Individuals to be Served and Costs of Services ..	4.12(b)
State's Goals and Priorities	4.12(c)(1)
Order of Selection	4.12(c)(2)(A)
Goals and Plans for Distribution of Title VI, Part B Funds	4.12(c)(3)
State's Strategies and Use of Title I Funds for Innovation and Expansion Activities	4.12(d)

Table of Contents, continued---

To Address Needs Identified in the Comprehensive Assessment and to Achieve Identified Goals and Priorities	4.12(d)(1)
To Carry Out Outreach Activities to Identify and Serve Individuals With the Most Significant Disabilities Who Are Minorities	4.12(d)(2)
To Overcome Identified Barriers Relating to Equitable Access to and Participation of Individuals with Disabilities in the State Vocational Rehabilitation Services Program and the State Supported Employment Services Program	4.12(d)(3)
Evaluation and Report of Progress in Achieving Identified Goals and Priorities and Use of Title I Funds for Innovation and Expansion Activities.....	4.12(e)
MEDIATION AND DUE PROCESS HEARING PROCEDURES	4.16(b)(2)
SERVICES SUBJECT TO FINANCIAL NEEDS TEST.....	6.9(c)(2)
QUALITY SCOPE & EXTENT OF SUPPORTED EMPLOYMENT SERVICES	7.3

SUMMARY OF INPUT AND RECOMMENDATIONS OF THE STATE REHABILITATION COUNCIL; RESPONSE OF THE DESIGNATED STATE UNIT; AND EXPLANATIONS FOR REJECTION OF INPUT OR RECOMMENDATIONS

Vocational Rehabilitation continues to regularly seek the advice of the State Rehabilitation Council on any number of issues including the state plan contents, consumer satisfaction, program goals and evaluation, policies, public education and building relationships with the business community.

The results of the client satisfaction survey showed 95% satisfaction with vocational rehabilitation services. The Council had no recommendations based on the results, nor did their Annual Report include any specific recommendations.

The following recommendations were made by the Council throughout the year, and after reviewing public input regarding the state plan.

RECOMMENDATION 1:

The Council recommended that the Client Assistance Program should be the principle program doing advocacy for Vocational Rehabilitation clients.

Response:

Vocational Rehabilitation concurs and will support CAP's letter to CSAVR and RSA.

RECOMMENDATION 2:

The Council recommended that the case files contain a "required documentation" form placed in the front of each file to keep cases current and legal.

Response:

Vocational Rehabilitation concurs and now requires this form to be included in all case files.

RECOMMENDATION 3:

The Council recommended that the proposed qualified rehabilitation professional payback agreement be more specific regarding what is expected if the individual does not fulfill the terms of the agreement.

Response:

Vocational Rehabilitation concurs and will revise the agreement to clarify the conditions of the agreement. VR will also review the agreement with the federal agency.

RECOMMENDATION 4:

The Council recommended that four members of the Council be available to testify in the legislature or undertake whatever action is necessary to support VR funding.

Response:

Vocational Rehabilitation concurs and will provide the necessary budget information as requested.

RECOMMENDATION 5:

The Council recommended that the Vocational Rehabilitation Central Office write a letter to Council members who miss two or more of the four Council meetings regarding their involvement in the State Rehabilitation Council.

Response:

Vocational Rehabilitation concurs and will draft the letters for co-signature by the Council Chair and the VR Director.

RECOMMENDATION 6:

The Council recommended that VR Counselors consider using email as a form of communication with clients who wish to do so.

Response:

Vocational Rehabilitation concurs and has informed the regional administrators of this recommendation. VR will also work with the department to insure there are no confidentiality issues.

RECOMMENDATION 7:

The Council recommended that VR continue implementing the following Transition activities through the Statewide Transition Task Force:

- Clearly define the responsibilities of each agency involved with transition services.
- Identify the best ways to localize services.
- Identify the best ways to get information about VR services to schools, students, and parents.
- Define what early intervention means in terms of transition, including when it makes sense for early involvement of VR and when it does not.

Response:

Vocational Rehabilitation concurs and will continue working with the Transition Task Force to resolve the issues. VR will also include the results in future cooperative agreements and contracts as appropriate.

RECOMMENDATION 8:

The Council recommended that VR survey counselors to see if they are aware of the Life Center Career Education Curriculum (LCCE), where it is located and if they recommend using it.

Response:

Vocational Rehabilitation concurs and has made an initial inquiry through the regional Vocational Rehabilitation administrators.

RECOMMENDATION 9:

The Council recommended that informed client choice and attitudinal barriers be considered as topics for future training at the annual conference.

Response:

Vocational Rehabilitation concurs and has shared this recommendation with staff responsible for training.

RECOMMENDATION 10:

The Council recommended that Vocational Rehabilitation and Independent Living address the independent living issues raised during this Title I State Plan public comment period.

Response:

Vocational Rehabilitation concurs and will start by sharing the information with the Statewide Independent Living Council.

RECOMMENDATION 11:

The Council recommended that in future RSA reviews of Vocational Rehabilitation, that RSA refrain from making formal findings of corrective actions on matters already resolved or corrected prior to the review.

Response:

Vocational Rehabilitation will inform RSA of the Council recommendation through this Title I State Plan revision for FFY 2004.

COOPERATION AND COORDINATION WITH OTHER AGENCIES AND ENTITIES

(1) Cooperation with Agencies That Are Not in the Statewide Workforce Investment System and with Other Entities

Vocational Rehabilitation continues to work with several different agencies and entities throughout the state. A number of these cooperative ventures are tied to our expansion of self-employment opportunities and our increased emphasis on employer services. This includes direct contact with local, state and regional lenders to assist clients in self-employment business start-up. Listed below are the primary businesses, agencies and groups we are currently working with.

- **Business Information Centers (2)**, located in Bismarck and Grand Forks -- Provide consultation and resources for VR clients on various aspects of establishing and maintaining a business.
- **State Economic Development and Finance (ED&F)** office and local economic development groups -- Resource for funding and business development for VR clients.
- **Small Business Administration (SBA)** -- Cooperative agreement for shared training and education programs between SBA staff and VR staff.
- **Entrepreneur Training Inc.** a non profit, in Grand Forks -- Contract to provide entrepreneurial training to VR clients interested in self-employment.
- **Goodman, Herzog & Associates, Inc.** -- Contract allows us to administer the Business Assessment Scale as an evaluation and planning tool for individuals pursuing self-employment.
- **Service Corps of Retired Executives (SCORE)** -- Cooperative agreement to provide mentoring and consultation to VR clients who are developing business plans.
- **Small Business Development Centers (SBDC) (4)**, statewide -- Cooperative agreement to provide 2 year follow-up with VR clients who have entered self-employment.
- **Regional Planning Councils (8)**, statewide -- Process revolving loan fund applications and referrals for VR clients.
- **Developmental Disabilities Council** -- Provided monies for the revolving loan fund.
- **North Dakota Association for the Disabled (NDAD)** -- Provide monies and administer the revolving loan fund.
- **Greater North Dakota Association (GNDA:** North Dakota's state level chamber of commerce) -- cooperative training and information exchange.
- **Bank of North Dakota** -- Funding resource (start-up money and guaranteed loans) for beginning entrepreneurs, including those who are VR clients.
- **Single Parent & Minority, Entrepreneurial Training Programs** -- Resource for training.

Vocational Rehabilitation also continues to maintain relationships with the following entities:

- President's Committee on Employment of People with Disabilities.

- Rural Development (USDA).
- Center for People with Disabilities, Minot State University
- Governor's and Mayor's Committees on Employment of People with Disabilities.
- Governor's ADA Consortium, which is co-chaired by the Lt. Governor and Vocational Rehabilitation's ADA coordinator, and funded in part through a grant from Rocky Mountain Business and Technical Assistance Center in Colorado Springs, Colorado.
- Local chambers of commerce through regional staff membership.

(2) Coordination with Education Officials

The Memorandum of Understanding for Transition Services was renewed with the Department of Public Instruction, Special Education, School to Work, State Board of Vocational and Technical Education and Job Service North Dakota in 1999 and remains current.

Since the actual service delivery takes place in the eight regions of the state, each region will develop their individual plans which will, at the minimum, include the following elements: how transition activities will be implemented, the source and amount of funding, who is involved and their roles and responsibilities, and evaluation criteria. We will need to know how many students with disabilities exit secondary education, how many go to employment, how many enter post-secondary training, how many have other post-secondary plans and how many do not.

Vocational Rehabilitation has committed approximately \$40,000 per year per region to fund transition activities. The local education units may provide additional funds or other resources.

Transitioning students who are identified through the education unit's Section 504 coordinator are referred to Vocational Rehabilitation, and contacts are made with the guidance counselors to assure those with special needs are aware of services through Vocational Rehabilitation. Referrals are also received from independent living staff working with transition age students.

(3) Cooperative Agreements with Private Non-profit Vocational Rehabilitation Service Providers

The utilization of community rehabilitation programs varies considerably throughout the state. In that needs and resources are unique to each region, it is up to the regional offices at the local level to work closely with their local providers to identify needs, and to determine with the provider whether or not they are able to meet that need.

Vocational Rehabilitation continues to utilize information gathered from public hearings as well input received from the providers themselves and organizations such as the North Dakota Association of Community Facilities and the North Dakota Council for Independent Living to work more closely together. The agency will continue to make every effort to improve services to consumers when a problem is identified in a particular region.

To insure ongoing dialogue, the North Dakota Association of Community Facilities and the North Dakota Independent Living Council is represented on the State Rehabilitation Council where issues are discussed whenever appropriate.

Cooperative relationships with providers involve development of the scope of services and working procedures. Rate compensation is developed in cooperation with Developmental Disabilities and the Division of Mental Health & Substance Abuse.

As a major player on the North Dakota Workforce Development Council Unified State Plan Workgroup, we are developing a list of eligible providers for training consumers. This information will be used by the consumer as well as the counselor in identifying provider outcome data which will allow the consumer to make an informed choice regarding a training site.

Vocational Rehabilitation continues to survey providers for input regarding their training needs. The state also continues to use the Community Rehabilitation Program (RRCEP) in Colorado as a training resource when training needs are identified, including any training needs that may emerge as a result of provider outcome data.

In addition, standards will be established for facilities and providers of services used by the agency. Rehabilitation facilities must be certified either by CARF or The Council, formerly known as the Accreditation Council, or have an approved plan in place for acquiring accreditation. Medical services must have been approved by the State Licensing Board through its agreement with the Department of Human Services. All educational and vocational technical programs must be recognized by the State Board of Higher Education.

The department has as part of its contract package, language that addresses accessibility of facilities, affirmative action plans, special communication needs, and fraud, waste, and abuse.

(4) Evidence of Collaboration Regarding Supported Employment Services and Extended Services

Vocational Rehabilitation is purchasing services from sixteen private non-profit providers and one public agency for the provision of supported employment services and extended

services. Representatives from Vocational Rehabilitation, Developmental Disabilities and Mental Health have conducted regional visits to providers and regional staff. The purpose is to assess the program needs and funding requirements. The primary goal is to secure adequate funding for extended services and appropriate job matches with jobs that provide a living wage. Social Security work incentives are not conducive for many clients with high medical costs to engage in competitive employment. This concern continues to be addressed.

As all the units which purchase extended services fall under the administrative control of the North Dakota Department of Human Services, a Memorandum of Agreement is not required. Representatives of the Division of Disability Services, which includes Developmental Disabilities and Vocational Rehabilitation and the Division of Mental Health and Substance Abuse meet periodically to review, develop and amend policies, procedures and fiscal issues.

**PROCEDURES AND ACTIVITIES FOR THE ESTABLISHMENT AND MAINTENANCE OF
A COMPREHENSIVE SYSTEM OF PERSONNEL DEVELOPMENT**

Vocational Rehabilitation’s procedures and activities to establish and maintain a comprehensive system of personnel development are described below. This plan ensures an adequate supply of qualified rehabilitation professionals and paraprofessionals for the operation of the state vocational rehabilitation program.

1. Data System

Vocational Rehabilitation’s system to collect personnel information provides annual data concerning the numbers and categories of personnel that are employed by the state agency as well as the projected retirements within five years. The numbers of personnel are then compared to the clients served to determine the projected number of staff needed, including the ratio of counselors to clients. Information on personnel development is described in Section IV of this attachment.

There are currently 91 individuals employed by North Dakota Vocational Rehabilitation. They are in the following categories:

oVR Counselors.....	40
oRegional Support Staff.....	15
oState Office Administrators and Support Staff.....	8
oRegional VR Administrators	7
oVision Specialists	5
oRegional Human Service Center Directors	5
oHuman Services Specialists/Aides.....	5
oRegional Human Services Program Administrators	3
oDrivers	2
oVocational Evaluator	1

During FFY 2002, 6,636 individuals were served by vocational rehabilitation. This results in an annual client to counselor ratio of 166 to 1. Vocational Rehabilitation attempts to hire counseling staff as necessary, based on projected caseload numbers. Additional counseling staff will be dependent upon the need to maintain a reasonable counselor to client ratio and the availability of funding.

North Dakota Vocational Rehabilitation has 33 staff who meet the Qualified Rehabilitation Professional (QRP) standards, 30 of whom are CRC. This represents 67% of the staff who are required to meet QRP standards, placing us well ahead of our 2004 goal of 50%.

Historically, North Dakota Vocational Rehabilitation’s annual turnover rate has been 6%. At this rate, approximately 6 staff members per year will leave the agency or 30 during the next five years.

The projected number of additional staff needed in the next five years as a result of increased caseloads and attrition is as follows:

oCentral Office Administration	2
oRegional Human Service Center Directors	1
oRegional Administrators	3
oRehabilitation Counselors	9
oRehabilitation Vision Specialists	4
oVocational Evaluators	1
oSecretaries/Support Staff	7
oHuman Service Aides	1
oDrivers	2

There are no colleges in the state that offer a Master’s Degree in Rehabilitation Counseling, consequently counselor job openings are mailed to universities in the Region VIII states that offer a Master’s Degree in rehabilitation counseling. The universities will post all counselor openings and send a roster of students who are graduating with credentials to qualify for certification.

2. Recruitment and Retention

Vocational Rehabilitation lists all counselor job openings with Job Service North Dakota, specifying a preference for individuals with a Master’s Degree in rehabilitation counseling with credentials to qualify for certification, and also investigates the possibility of paid internships as an incentive to attract Master’s level interns with the intention of retaining them for counselor openings.

Vocational Rehabilitation actively recruits minorities and individuals from graduate programs in rehabilitation counseling, however, universities in our state do not offer a Master’s Degree in rehabilitation counseling. Therefore, we are forced to recruit graduate level counselors from out-of-state. We are often unsuccessful in this effort because in most instances, our salaries are not competitive at the graduate level. If we are successful in recruiting graduate level counselors, we often find it difficult to retain them for the same reason.

Vocational Rehabilitation actively recruits individuals with disabilities and provides reasonable accommodations needed to perform essential job functions. Reasonable accommodations include readers, drivers and adaptive equipment for current staff with disabilities.

Vocational Rehabilitation supports participation in professional organizations by encouraging attendance, limited registration and travel expense for professional organization meetings and conferences. A number of vocational rehabilitation personnel are active members and hold leadership positions in professional organizations.

3. Personnel Standards

Vocational Rehabilitation has established the following policy to ensure that professionals providing Vocational Rehabilitation services are appropriately and adequately trained to meet "Qualified Rehabilitation Professional Standards" consistent with nationally recognized certification requirements:

- 1) Certified Rehabilitation Counselor (CRC),**
- 2) Master's in Rehabilitation Counseling or**
- 3) Master's in a closely related field and eligibility to sit for the CRC.**

- A. Vocational Rehabilitation will hire rehabilitation counselors who hold a Master's Degree in rehabilitation counseling or closely related field from a Council on Rehabilitation Education (CORE) accredited program and who hold CRC certification or will obtain such certification within 3 years of the date of hire. If unable to recruit individuals who meet these qualifications, Vocational Rehabilitation will hire the most appropriate and qualified applicant with the expectation that the individual hired will participate in educational programs to meet "Qualified Rehabilitation Professional" standards.
- B. Individuals who do not meet personnel standards will develop a training plan that will identify how they will meet the personnel standards. The plan will also include time lines for meeting the personnel standard which must be approved by their regional administrator and the Central Office Training Coordinator.
- C. At the present time, individuals requiring retraining to meet the personnel standards enroll in Utah State University's Distance Education Master's Degree in Rehabilitation Counseling program and the University of Montana, Billings, Distance Education Program to complete the educational requirement for qualified rehabilitation personnel standards.

At the present, funding support for the retraining of counselors and regional administrators is primarily from RSA scholarships through Utah State University. Costs not covered with the scholarship are covered up to \$1,000 by Vocational Rehabilitation's inservice training funds. The scholarship covers

tuition, fees, book and tape allowance and \$1,000 allowance for summer on-campus courses.

The priority system for assisting staff in meeting personnel standards is as follows:

1. Current staff who have a Bachelor's Degree.
2. New hires who enter the system as under fills.
3. Current staff within five years to retirement.

Our goal is to have all staff who are required to meet the personnel standards, regional administrators, counselors and vision rehabilitation specialists who carry a 110 caseload, meet them by 2009, 50% by 2004. Progress toward completion of the retraining is monitored on an annual basis to ensure that our plan for retraining stays on target.

4. Staff Development

Vocational Rehabilitation conducts an assessment of the training needs of the current staff at all levels- administrative, counselor, and support staff. The needs assessment focuses on two levels of training (1) statewide training topics that are consistent with the State Plan and RSA priorities, and (2) regional training that addresses issues are identified through case reviews, performance appraisals and other training that will assist staff in progressing toward their career goals.

In-service training provides for attendance at workshops, conferences, formal course work training in rehabilitation counseling, medical assessment, job placement, rehabilitation technology, ADA, reauthorization and other rehabilitation related training. All employees have access to these training opportunities. The agency's continuing education program also allows reimbursement for the cost of tuition and books for classes that are related to job duties and will increase the employee's skills in specific areas.

The agency has an assistive technology grant staffed by a director and three coordinators. The assistive technology staff assist the agency in conducting training needs assessments in assistive technology and providing consultation and assistive technology training for VR counselors upon request. The agency also encourages attendance at training on technology.

Since there are no institutions of higher education in North Dakota that prepare rehabilitation professional counselors at the Master's Degree level, North Dakota, at the present time, collaborates with Utah State University to prepare rehabilitation professionals.

North Dakota Vocational Rehabilitation receives and distributes information such as rehabilitation journals, Rehabilitation Briefs, National Clearinghouse of Rehabilitation Research materials, topics researched by the Institute on Rehabilitation Issues, as well as videos and printed materials on related rehabilitation issues.

Central Office staff are involved in the implementation of the Workforce Investment act and training has been provided as needed.

5. Communication With Diverse Populations

Vocational Rehabilitation provides personnel to provide services to individuals who have limited English speaking ability. In several regions where minority populations are more predominant, VR staff have attended training on the customs and culture of minority groups. These individuals disseminated materials on cultural issues to all VR staff. These individuals are also consulted regarding rehabilitation concerns with minority groups which in North Dakota are primarily Native American. During previous training needs assessment, regions that serve individuals from reservations, expressed a need for cultural sensitivity training. This training has been and will continue to be conducted in the regions that requested it and other regions will be invited to attend.

Vocational Rehabilitation provides personnel or obtains services to accommodate clients in need of appropriate modes of communication. Agency staff members who have an interest are encouraged to take classes in Braille and sign language. In regions that do not have personnel trained in alternate modes of communication, this service is purchased.

6. State Rehabilitation Council

The State Rehabilitation Council has been actively involved in the development of the entire state plan which includes their specific, ongoing involvement in the CSPD plan and the development of standards for Qualified Rehabilitation Professionals (QRP). Prior to establishing the standards, they reviewed comments obtained through public input, and had a representative on the Team that researched the issue and made recommendations regarding the standard to be adopted in North Dakota. Finally, the Council made the recommendation that Vocational Rehabilitation adopt the national standards.

The Council remains involved in all appropriate ways, including review of progress toward achieving the QRP Standards, and development and implementation of requirements for all other professionals and paraprofessionals as necessary.

ASSESSMENTS; ESTIMATES; GOALS AND PRIORITIES; STRATEGIES; AND PROGRESS REPORT

4.12(a) Results of Comprehensive Statewide Assessment of the Rehabilitation Needs of Individuals with Disabilities and Need to Establish, Develop, or Improve Community Rehabilitation Programs

The State conducted its triennial assessment of the rehabilitation needs of individuals with disabilities during 2002 in preparation for the FFY 2004 State Plan submission. The triennial assessment included three major components:

- 1.) Statewide Survey of Vocational Rehabilitation Consumers** designed to assess rehabilitation needs,
- 2.) Statewide Strategic Planning Stakeholder meetings** sponsored by the designated state agency to identify needs and solutions for all population groups including individuals with disabilities, and
- 3.) Statewide Focus Groups** sponsored by the Governor's Commission on Olmstead.

Individuals with disabilities, advocacy groups, community rehabilitation programs, centers for independent living, and numerous other stakeholder agencies and organizations provided valuable and substantial information on current needs.

The information from all sources identified above was then provided to the Rehabilitation Services Council's Evaluation Committee. Over the course of 6 months the committee conducted a review and analysis of the information. At the January 2003 Council meeting the Evaluation Committee reviewed with the full Council the rehabilitation needs they had identified as a result of their analysis. The Committee also felt it was noteworthy that the majority of the comments on the Vocational Rehabilitation consumer surveys were positive and indicated that most of their needs were being met.

Listed below are the major rehabilitation needs that were identified by and with the Rehabilitation Services Council. The needs apply to all individuals with disabilities including individuals with the most severe disabilities, minorities, individuals who may be underserved and individuals served through the state's Workforce Investment system.

- Identify unserved high school youth with disabilities, in particular 504 students who are not typically referred to VR
- Provide adequate services to people in rural areas, outreach
- Transportation
- Shortage of affordable and accessible housing and funding for home modifications
- The need for auxiliary support services from other agencies & continued interagency cooperation and exchange of information

- Need to review funding levels and seek all available funds for employment services
- Need to provide greater awareness and education of the entire scope of VR services, including job placement and maintenance, and the wide range of individuals that could be eligible for services
- Need to make it easier for individuals and businesses to find out about VR, including the need for a centralized source of information on services and resources that could be accessed by all.

Based on information from the Department of Public Instruction, there are over 700 students in Special Education who are between the ages of 18-21. These individuals could potentially receive supported employment or Title 1 services during the next one to three years. Some of the major disability categories of these students include the following:

Traumatic Brain Injury	8
Developmental Disabilities	212
Severe Mental Illness/Emotional Disturbance.....	47
Specific Learning Disabilities.....	360
Sensory Impairments	85

Specific discussion relative to community rehabilitation programs is found in *Attachment 4.9(c)(3) - Cooperative Agreements with Private Non-profit Rehabilitation Service Providers*.

4.12(b) Annual Estimates of Individuals to Be Served and Costs of Services

Based on data from the U.S. Bureau of the Census, North Dakota has over 36,800 residents between the ages of 16 & 64 who report a work disability and consequently could be eligible for Vocational Rehabilitation services.

It is estimated that during the current federal fiscal year, 6468 individuals will receive services through Title I, and 250 individuals will receive services through Title VI, part B for a total of 6718.

Priority categories for the Order of Selection are described in (c)(2)(A) of this attachment.

The estimated annual cost to provide services is \$10.4 million.

4.12(c)(1) State's Goals and Priorities

The following annual goals were established through VR's managing for results strategic planning, public input, assessment results and recommendations from the Rehabilitation Services Council. Some of the goals and priorities are a continuation from previous years.

Goal 1: Employers will use VR as a primary source for disability-related solutions and qualified employees.

VR will continue implementation of the Business Services Initiative focusing on employers as a customer.

Goal 2: Establish a baseline on the percentage of employers who report that VR assisted them in finding solutions to their disability-related issues.

Goal 3: All VR Counselors and Regional Administrators will meet the Qualified Rehabilitation Professional Standards:

50% by September 30, 2004

100% by September 30, 2009

Goal 4: 897 individuals with disabilities will become employed

Goal 5: 80% will remain employed 6 months after closure

Goal 6: The rehab rate will be 65%

Goal 7: 6718 individuals will receive VR services

Goal 8: 75% will have a severe disability

Goal 9: 100% of VR clients who receive an assistive technology device, after consultation with the Interagency Project for Assistive technology, will be able to perform the desired function

Goal 10: 90% of client issues with VR will be resolved prior to a fair hearing

Priority areas will focus on:

Improved Transition services

Increased emphasis on public education and information

Continued collaboration with other agencies,

Increased employer contacts through the Business Services Initiative;
Staff participation in economic development & community activities; and
Working with partners under the Workforce Investment Act to strengthen
relationships and streamline referrals to appropriate providers.

(c)(2)(a) Order Of Selection

North Dakota Vocational Rehabilitation has determined that there will not be sufficient financial resources to provide vocational rehabilitation services to all eligible individuals. Consequently, the following Order of Selection for services will be in effect:

Individuals receiving services under an Individualized Plan for Employment (IPE) will continue to receive all necessary services;

All eligible individuals with disabilities will be assigned a priority category, notified of their assigned category, and notified of their right to appeal that assignment. All services shall be available to individuals receiving services under an Order of Selection;

- PRIORITY 1 - Individuals determined to have a most significant disability
- PRIORITY 2 - Individuals with significant disabilities
- PRIORITY 3 - Other individuals with disabilities

All applicants, including those in trial work programs shall receive services necessary to determine eligibility for Vocational Rehabilitation Services and Order of Selection priority classification without regard to the availability of funds or the implementation of the Order of Selection. Such services shall be provided on a timely basis in accordance with the provisions of the Rehabilitation Act of 1973, as amended.

**SERVICE GOALS AND OUTCOMES FOR THE PERIOD
OCTOBER 1, 2003 - SEPTEMBER 30, 2004**

PRIORITY CATEGORY	SERVICE GOALS: ESTIMATED NUMBER SERVED	OUTCOME: ESTIMATED NUMBER REHABILITATED	CASE SERVICE COSTS
Under an IPE	4270	590	\$3,305,000
1	280	80	\$ 175,000
2	1720	109	\$1,544,000
3	448	120	\$ 476,000
TOTAL	6718	897	\$5,500,000

Individuals With The Most Significant Disabilities Are Those:

- (1) who meet the criteria for significant disability, but are seriously limited in two or more functional capacities (such as mobility, communication, self care, self direction, interpersonal skills, work tolerance, or work skills) in terms of an employment outcome; and
- (2) require multiple core services over an extended period of time (six months or more).

Individuals With Significant Disabilities Are Those:

- (1) who have significant physical or mental impairments which seriously limit one functional capacity (such as mobility, communication, self care, self direction, interpersonal skills, work tolerance, or work skills) in terms of an employment outcome; and
- (2) whose vocational rehabilitation can be expected to require multiple vocational rehabilitation services over an extended period of time (over six months); and

- (3) who have one or more physical or mental disabilities resulting from: amputation, arthritis, autism, blindness, burn injury, cancer, cerebral palsy, cystic fibrosis, deafness, head injury, heart disease, hemiplegia, hemophilia, respiratory or pulmonary dysfunction, mental retardation, mental illness, multiple sclerosis, muscular dystrophy, musculoskeletal disorders, neurological disorders (including stroke and epilepsy), paraplegia, quadriplegia and other spinal cord conditions, sickle cell anemia, specific learning disability, end-stage renal disease, or another disability or combination of disabilities determined on the basis of an assessment for determining eligibility and vocational rehabilitation needs to cause comparable substantial functional limitations.

4.12(c)(3) Goals and Plans for Distribution of Title VI Part B Funds

Vocational Rehabilitation's primary goal for the utilization of Title VI-B funds is to provide training and stabilization for an estimated 250 individuals per year. Of those, it's projected that 70 per year will be placed in employment. The breakdown by disability is expected to be similar to that of FFY 2002: 44% with a mental illness and/or alcohol and drug addiction, 38% with mental retardation/developmental disabilities, 8% physical/medical disabilities, 4% learning disabilities, 4% traumatic brain injury and 2% sensory disabilities.

Because the VI-B funds can only be used for supported employment training if there is assurance of extended services, the level of usage is dependent upon the availability of other funding sources for extended services. Vocational Rehabilitation will continue to work with the Division of Mental Health and Substance Abuse, Developmental Disabilities, Division of Aging Services and service providers to coordinate funding and services.

Vocational Rehabilitation will continue agreements whenever and wherever appropriate with the sixteen private non-profit community rehabilitation agencies and one public agency to provide training and stabilization throughout the state. Extended Services will also be provided by the community rehabilitation agencies with state general funds, Title XIX waived funds, or other than state/federal Vocational Rehabilitation funds.

4.12(d) State's Strategies and Use of Title I Funds for Innovation and Expansion Activities

(1) To Address Needs Identified in the Comprehensive Assessment and to Achieve Identified Goals and Priorities.

The strategies below are based on the results of the comprehensive assessment, public input and recommendations from the Council and are intended to support achievement of VR's goals and priorities.

Strategy 1: *Continue emphasis on the Business Services Initiative and support projects with business, industry and/or labor to enter into partnerships with vocational rehabilitation.*

Expand presentations to include additional community and agency groups.

Strategy 2: *Continue to develop networks with state economic development authorities and other employment entities at the state and regional offices.*

Strategy 3: *Participate as members of the Workforce Development Council, and other Task Forces associated with implementing the Workforce Investment Act.*

Strategy 4: *Maintain contact with the Transition Task Force to more clearly define responsibilities of the agencies, identify best ways to localize services and define what early intervention means relative to transition.*

Strategy 5: *Support expanded relationships between vocational rehabilitation regional offices and centers for independent living that result in increased supports for individuals with disabilities.*

Share information obtained during the 2003 Title I State Plan Input process relative to Independent living.

Identify unmet needs, including the need for assistive technology devices, and develop recommendations on how to meet those needs.

Identify and implement ways to ensure ongoing dialogue and collaboration between vocational rehabilitation and independent living.

Strategy 6: *Strengthen and support qualified rehabilitation professionals throughout the Vocational Rehabilitation system.*

Strategy 7: *Continue our involvement with a statewide Transportation Steering Committee.*

(2) To Carry Out Outreach Activities to Identify and Serve Individuals with the Most Significant Disabilities Who are Minorities

In North Dakota, 7.6% of the population is comprised of minorities. Native Americans are the largest of these minority groups at 4.9%. During FFY 02, of those individuals employed through vocational rehabilitation services, 7.1% were Native Americans, .6% Black, .4% Hispanic, .3% Asian and .1% Pacific Islander. It is anticipated that these figures will be similar during this next year.

There are also four Section 121 Projects for Native Americans operating in the state. Both the state and regional vocational rehabilitation offices provide technical assistance to the 121 projects, as requested. These four programs are also served by the Client Assistance Program. In addition to providing technical assistance, vocational rehabilitation has itinerant counselors who visit the reservations to work together with the projects to provide services otherwise not available, or to meet with those individuals who prefer to work with vocational rehabilitation. Vocational rehabilitation also coordinates off reservation services for individuals.

In addition to regional office contacts with various referral sources, including Center's for Independent Living, the Assistive Technology coordinators are establishing a significant presence throughout the state. They have been averaging over 680 information and referral calls each quarter. Included in that number will be referrals to vocational rehabilitation of individuals previously unserved by the agency.

During this fiscal year, vocational rehabilitation will also be evaluating the methods currently being used to inform minority groups and others about its services, and determine if there are additional, effective methods.

(3) To Overcome Identified Barriers Relating to Equitable Access to and Participation of Individuals with Disabilities in the State Vocational Rehabilitation Services Program and the State Supported Employment Services Program.

No major barriers to equitable access and participation have been identified. All individuals closed from VR receive a survey, which is designed to solicit feedback on their level of satisfaction with their participation in decision-making, the services they received, access to

services and their employment, if applicable. Surveys results are shared with the regional offices and the Rehabilitation Council.

Assistive Technology: Vocational rehabilitation continues to support and believe that assistive technology is an integral part of each stage of the VR process and the coordinators of North Dakota's assistive technology project (IPAT) provide consultation, education and referral on technology-related issues on an on-going basis throughout the state. The assistive technology screening tool developed during FFY 01 will continue to be used during the intake process with all individuals applying for services.

In addition, the assistive technology program is included in the managing for results strategic planning that is mentioned in part (c)(1) of this attachment. A result measure that brings together the client, VR and IPAT staff reads: *"100% of VR clients who receive an assistive technology device, after consulting with IPAT, will be able to perform the desired function."*

Vocational Rehabilitation and IPAT are also exploring ways to blend VR's business and client services labs with the assistive technology center managed by IPAT. This includes increasing the skill levels of staff and researching avenues to keep the assistive technology equipment current.

4.12(e) Evaluation and Report of Progress in Achieving Identified Goals and Priorities and Use of Title I Funds for Innovation and Expansion Activities

VR is making progress toward achieving its goals, priorities and innovation and expansion activities.

A summary of the progress is described below.

- Clients who became employed in FFY 02: 899, exceeding the goal of 898. On track for FFY 2003.
- Clients served in FFY 02: 6636, exceeding the goal of 6687. On track for FFY 2003.
- Client satisfaction with VR services was 95%, exceeding the goal of 90%.
- 34 VR staff currently meet the Qualified Rehabilitation Professional Standards.
- 9 VR Counselors are currently in the process of meeting QRP standards.
- The Business Services Initiative was implemented in FFY 01. During FFY 02, 297 presentations were made, providing disability-related information to over 4600 participants.

- The Business Services CD was finalized and distributed throughout the state to all local Chambers of Commerce, regional economic development organizations, and over 200 human resource professionals. The CD is also being included in the business recruitment packages distributed by the State Economic Development Office.
- VR created and developed a Transition CD through a partnership with the Department of Public Instruction and the North Dakota Center for Persons with Disabilities. Distribution was also coordinated by all three to insure widespread distribution.
- Various collaborative activities continue to occur at the state and regional levels between VR and local agencies, employers and economic development groups. See *Attachment 4.9(c)* for a description of the some of the major activities.
- WIA planning will address efforts to assist other components of the statewide workforce investment system in assisting individuals with disabilities.
- The memorandum of understanding for transition services, developed with the Department of Public Instruction, State Board of Vocational & Technical Education, School to Work and Job Service remains in effect.
- VR entered into two new memorandum's of understanding with Job Services:
 - Project Share, as a local resource for the President's faith-based initiative, and
 - As a partner in the Work Opportunity Tax Credit (WOTC) program to provide conditional certification.
- Other cooperative agreements as required in WIA remain under construction.

During FFY 02, innovation and expansion funds were spent on the Business Services Initiative, Transition Services and Rehabilitation Services Council expenses.

MEDIATION AND IMPARTIAL DUE PROCESS HEARING PROCEDURES

I. Generic Procedures Relating to Both Mediation and Impartial Hearings

- A. An individual applying for or receiving vocational rehabilitation services (or their representative), who is dissatisfied with any determination made by vocational rehabilitation personnel concerning the furnishing or denial of services, may request a timely review of the determination using any or all of the following means: contacting the Client Assistance Program; requesting mediation and/or requesting a fair hearing by an impartial hearing officer.
- B. Persons applying for or receiving vocational rehabilitation services will be notified, in writing, of the availability of the client assistance program, mediation services, and fair hearing:
 - 1. At the time the individual applies for vocational rehabilitation services.
 - 2. Upon determination of eligibility or ineligibility.
 - 3. At the time the individualized plan for employment (IPE) is developed.
 - 4. Upon reduction, suspension or cessation of vocational rehabilitation services for an individual.
 - 5. Upon closure.
- C. Any party who wishes to submit relevant evidence and information may do so. Terms for submitting the evidence and information are found in parts II and III of this attachment.
- D. Persons applying for or receiving services may be represented by a person they select.

North Dakota Administrative Code 75-01-03-02, entitled *Vocational Rehabilitation Determinations - Administrative Review Procedures - Appeals*, contains additional procedures. Some of the terms used in the code are found in this attachment and are described below.

“Claimant” means an applicant or eligible individual who is dissatisfied with any determination made by vocational rehabilitation personnel concerning the furnishing or denial of vocational rehabilitation services and who has made a timely request for review of the determination.

“Division” means the vocational rehabilitation division of the department.

“Party” or “parties” refers to the division and to a claimant.

II. Specific Procedures for Mediation

Vocational Rehabilitation has met with other state agencies that provide mediation services under their respective Acts and has arranged to use qualified mediators, trained to provide these services, should the need arise. There are qualified mediators in human service centers around the state. We have also contacted the Conflict Resolution Center on the campus of the University of North Dakota. The center offers training and mediation services regionally and is available to offer either of these services on request. Vocational Rehabilitation will collaborate with the center and other trained mediators to provide training regarding the Rehabilitation Act and its associated regulations.

- A. An individual applying for or receiving vocational rehabilitation services, who is dissatisfied with any determination made by vocational rehabilitation personnel concerning the furnishing or denial of services, may request mediation services. Mediation services will be offered to an individual applying for or receiving vocational rehabilitation services whenever a formal appeal process has been initiated. The individual applying for or receiving vocational rehabilitation services may be represented, in the mediation, by a person selected by them. Vocational Rehabilitation is not responsible for costs related to representation of the individual.
- B. The use of mediation services will be completely voluntary for all parties. Agreement to use mediation will not preclude the resolution of a dispute using other formal or informal processes. Mediation will not be used to deny or delay the individuals right to an impartial due process hearing. Mediation will not be used to deny any other right afforded to the individual under Title I of the Act. Mediation sessions will be scheduled in a timely manner and held at a place agreed on by the parties involved. Any cost associated with the process of the mediation services will be covered by the state.
- C. In a case where mediation has been requested, the applicant, the eligible individual, or their representative can submit evidence or information, at the mediation session, which will support their position. Discussions that occur, as part of the mediation process will remain confidential and will not be used in any subsequent due process or civil proceeding. Parties involved in the mediation will sign a confidentiality pledge showing this before the commencement of the mediation process. If they agree, because of the mediation, it will be put in writing and signed by all parties involved. Pending a mediated agreement, Vocational Rehabilitation will not suspend, reduce or terminate services that are being provided under an individualized plan for employment, or evaluation or assessment services unless:
 - 1. The individual so requests; or,

2. Vocational Rehabilitation has evidence that the services were obtained through misrepresentation, fraud, collusion or other criminal conduct.

D. A qualified and impartial mediator, trained in effective mediation techniques, will provide the mediation. A list will be maintained of individuals who are qualified and knowledgeable about the Act and the regulations relating to the provision of vocational rehabilitation services.

III. Specific Procedures for Impartial Due Process Hearings

1. An individual applying for or receiving vocational rehabilitation services, who is dissatisfied with any determination made by vocational rehabilitation personnel concerning the furnishing or denial of services, may request a timely review of the determination. The formal appeals process is initiated by the individual (or the individuals representative) in writing to the department's appeals supervisor, who forwards the request to the Office of Administrative Hearings with a copy to the state unit.
2. A request for an impartial due process hearing or mediation is timely if the filing date of the request is no more than thirty days after notice of the determination with which the claimant is dissatisfied.
3. A request for a due process hearing or mediation will not preclude the parties involved from informally resolving the dispute. Actions taken to resolve the dispute will not be used to deny or delay the due process hearing.
4. A hearing officer must be selected:
 - a. From a pool of qualified, impartial hearing officers identified jointly by the department and the rehabilitation advisory council; and
 - b. (1) On a random basis; or
(2) By agreement of the parties.
5. The hearing officer must conduct an appeal hearing within sixty days of the filing date of the claimant's request for review, unless informal resolution is achieved or the parties agree to a delay. The claimant or the claimant's representative must be given an opportunity to present additional evidence, information and witnesses to the hearing officer, to be represented by counsel or other appropriate advocate and to examine all witnesses and other relevant sources of information and evidence.

6.
 - a. Except as provided in subdivision b, the division may not suspend, reduce, or terminate services provided under an individual written rehabilitation program pending final determination of the claimant's request for review.
 - b. The division may suspend, reduce, or terminate services provided under an individual written rehabilitation program:
 - (1) If the claimant so requests; or
 - (2) The agency has evidence that the services have been obtained through misrepresentation, fraud, collusion, or criminal conduct on the part of the claimant.
7. The hearing officer shall recommend a decision based on the provisions of the Vocational Rehabilitation Act of 1973, as amended, the approved vocational rehabilitation state plan, federal and state vocational rehabilitation regulations and policies, and article 75-08, and shall provide to the claimant or, where appropriate, the claimant's representative, and to the director of the division, a full written report of the findings and grounds for the decision within thirty days of the completion of the hearing. The recommendation of the hearing officer becomes the decision of the division unless, within twenty days of issuance of the hearing officer's recommended decision, the director of the state unit or the applicant or eligible individual seeks in writing, an impartial review of the recommendation. The impartial review would be conducted by the director of the designated state agency.
8. Prior to deciding to review the hearing officer's recommended decision under subsection 7, the director may secure assistance or advice from staff assistants without the communication of advice or assistance being treated as ex parte communication in violation of North Dakota Century Code section 28-32-12.1, if the assistants do not furnish, augment, diminish, or modify the evidence in the record.
9. If a review of the hearing officer's recommended decision is requested under subsection 7, each party shall have the opportunity to submit additional evidence and information relevant to a final decision. Any party who wishes to submit additional relevant evidence and information must transmit that evidence and information, or an abstract thereof, to the other party and to the director of the state unit agency within five days after the submission of the written request to review the hearing officer's recommended decision. Each party may, within five days after mailing or delivery of the evidence, information, or abstract provided by the other party, request an opportunity to provide the party's own evidence or information in a hearing to be called on at least ten days' notice, all pursuant to North Dakota Century Code section 28-32-07.

10. The director of the state agency may overturn or modify a hearing officer's recommendation that supports the position of the claimant if the director concludes, based on clear and convincing evidence, that the recommendation is clearly erroneous because it is contrary to the Vocational Rehabilitation Act of 1973, as amended [29 U.S.C. 701, et seq.], the approved vocational rehabilitation state plan, federal or state vocational rehabilitation regulations and policies, or article 75-08.
11. The director of the state agency shall make a final decision within 30 days. A written decision will be given to the applicant or eligible individual and the designated state unit. The decision will include a full report of the findings and the grounds for the decision.
12. The hearing officer or the director may grant reasonable extensions of time for good cause shown by either party, except that:
 - a. The hearing officer may extend the time for conducting an appeal hearing beyond forty-five days of the filing date of the claimant's request for review if the parties are engaged in mediation and agree to the extension;
 - b. The twenty-day period, within which the director of the state unit or the applicant or eligible individual may request a review of the hearing officer's recommended decision, may not be extended; and
 - c. The thirty-day period, within which a dissatisfied claimant may request review, may not be extended.
13. The director of the state agency may not delegate responsibility to make any final decision to any officer or employee of the designated state unit.

SERVICES SUBJECT TO FINANCIAL NEEDS

There are some rehabilitation services provided to individuals with disabilities without regard to economic circumstances of the individual or family.

The following services will be provided without regard to the financial resources available to the individual.

1. Information and referral;
2. Assessments to determine eligibility and priority for services except for non-assessment services provided during an extended evaluation;
3. Assessments to determine vocational rehabilitation needs;
4. Counseling and guidance;
5. Interpreter services;
6. Vocational training (except at institutions of higher education) i.e., on-the-job training, personal adjustment training, and supported employment training;
7. Orientation/mobility services;
8. Reader services, note taker services;
9. Placement services;
10. Personal assistance services
11. Assistive technology services, excluding assistive technology devices.

An economic needs test, which must take into consideration disability related expenses, will be applied as a consideration for the vocational rehabilitation services listed below. Individuals receiving Social Security Disability Insurance (SSDI) or Supplemental Security Income (SSI) are exempt from the economic needs test. However, in order to maximize available funding, all individuals will be encouraged to participate financially to the degree that they can.

1. Physical and mental restoration;
2. Maintenance (other than diagnostic);
3. Transportation (other than diagnostic);

4. Assistive technology devices;
5. Occupational license;
6. Tools, equipment, and initial stock (including livestock) and supplies and necessary shelters;
7. Services to members of an individual's family necessary for the rehabilitation of the individual with a disability; (other than those services normally provided without regard to economic needs);
8. Telecommunications, sensory, and other technological aids and devices for other than evaluation purposes;
9. Post-employment services necessary to assist individuals to maintain suitable employment (other than those services normally provided without regard to economic needs);
10. Other goods and services which can reasonably be expected to benefit the individual in terms of his employability;
11. Higher education.

A financial needs test will be applied to individuals who will receive training or training services in institutions of higher education (universities, colleges, community/junior colleges, vocational schools, technical institutes, or hospital schools of nursing). In these instances, to be eligible for consideration for financial participation from Vocational Rehabilitation, the individual must:

1. Apply for student financial aid at the school; and,
2. Receive **a needs analysis from the financial aids office.**

Vocational Rehabilitation will not duplicate assistance provided through grants, scholarships, or other non-repayment funding.

The combination of student financial assistance and vocational rehabilitation financial participation cannot exceed the budget identified by the school for average school costs. If the individual has additional costs necessary for their rehabilitation and the school does not consider them in the budget, Vocational Rehabilitation can consider them in the total budget.

QUALITY, SCOPE AND EXTENT OF SUPPORTED EMPLOYMENT SERVICES

Supported employment services are available to individuals with the most severe disabilities in all disability categories including developmental disabilities, severe mental illness, traumatic brain injury, and physical disabilities. Services are provided by seventeen providers, sixteen of which are private non-profit and one is a regional human service center. Vocational Rehabilitation projects to serve approximately one hundred sixty individuals with the most severe disabilities, using various supported employment models, including individual placement and mobile work crews.

Individuals with the most severe disabilities will be served and outcomes achieved through the implementation of the following activities.

Continued education and awareness activities for the business community, lawmakers, service providers, educators, family members, and the general public.

Targeting supported employment as an outcome for students with the most severe disabilities transitioning from school-to-work through regional transition services.

Coordination of the interfacing of the departments, agencies, divisions, organizations and programs whose activities have a direct impact on Supported Employment Services.

Identification of training and technical assistance needs based on provider outcome data.

Continued required licensing for all supported employment providers which will include accreditation by a national accrediting body.

Supported employment training is provided up to 18 months, unless more time is necessary for the client. In order to ensure continuity and a smooth transition, documentation must demonstrate that the consumer meets the criteria for transitioning to extended services.

1. Substantial progress towards hours per week goal.
2. Satisfactory performance of all job duties and reasonable expectation it will continue.
3. 20% intervention or less for 2 months or intervention at a consistent level above 20% for 4 months.
4. Extended services is immediately available from sources other than VI-C or 110.

Documentation must show that the consumer was in employment for 90 days before the counselor closed the case 26, and that payment for extended services is available from sources other than 110 or VI-C.

Vocational Rehabilitation counselors should notify extended service providers and funders, (Developmental Disabilities and Mental Health) at least 30 days prior to the transition to extended services to allow time to determine extended service payments and write authorizations.